

Serial No. 09/967,218

Docket No.: KCC-15,529

REMARKS

Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1 and 4-23 are pending, with Claims 12-19 withdrawn from consideration.

Amendment to the Claims

Claims 1, 4-11, and 20-23 have been examined, with no claims being allowed. Applicants have amended Claims 1 and 20 to include the limitation of the fibers "consisting essentially of" polypropylene blended with an impact modifier. Support for this limitation is provided throughout the specification, such as at page 7, lines 1-4, and in the Examples on pages 13-31. Applicants have further amended Claims 1 and 20 by removing the limitation of the fibers being either spunbond or meltblown.

No new matter has been added by this Amendment. No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims also remains unchanged.

Election/Restrictions

Applicants maintain their traversal of the restriction requirement mailed 14 July 2004, to which Applicants replied on 05 August 2004. Applicants' basis for traversal is that the Examiner previously issued four separate Office Actions in which all of the claims, including all of the species, had been examined. Thus, the Examiner has shown that the search and examination of the entire application was made (four times) without serious burden.

The Examiner indicated that this reasoning was not found persuasive because the Examiner recognized that a restriction requirement would be proper upon the amendments filed 05 April 2004 (actually 02 April 2004). Applicants disagree that the amendments filed 02 April 2004 provide any independent or distinct inventions that were not previously included in the claims. In fact, these amendments are summarized as follows:

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- the elimination of two members from the Markush group in Claim 1,
- the explicit limitation in Claim 1 of the impact modifier having elastomeric properties,
- the limitation of the fibers comprising at least 75% by weight polypropylene in Claims 1, 12, and 20.

Instead of providing any independent or distinct inventions, the amendments filed 02 April 2004 narrowed the scope of the claims, and further unified these claims. Thus, Applicants maintain that the restriction requirement mailed 14 July 2004 was improper, and respectfully request the Examiner's consideration of Claims 12-19.

Claim Rejections - 35 U.S.C. §103

The rejection of Claims 1, 4-11, and 20-23 under 35 U.S.C. §103(a) as being unpatentable over Gutweiler et al. (U.S. Patent No. 5,514,752, hereinafter "Gutweiler") is respectfully traversed.

Gutweiler discloses polypropylene molding compositions that include polyvinyl butyral. These compositions may also include a rubber component, such as EPDM.

Applicants' amended Claims 1 and 20 are directed to fibers *consisting essentially of polypropylene blended with an impact modifier*, wherein the impact modifier has elastomeric properties and is selected from a limited group. The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials and those that do not materially affect the basic and novel characteristics of the claimed invention.

The molding compositions in Gutweiler require 0.01 to 99% by weight polyvinyl butyral. According to Gutweiler, molding compositions that comprise polypropylene or ethylene/propylene copolymers and polyvinyl butyral by thermoplastic forming have a higher surface tension of the molding than in the case of a polypropylene molding composition without PVB. Such molding compositions that include PVB can be coated, printed on, written and laminated without further pretreatment of the surface, as implicitly required by molding compositions lacking

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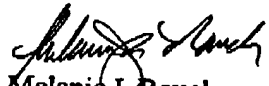
PVB, according to Gutweiler (Col. 1, lines 47-54). Based on the effect of PVB in polypropylene compositions presented in Gutweiler, it appears that the presence of PVB would materially affect the basic and novel characteristics of Applicants' claimed invention. Thus, the polypropylene compositions in Gutweiler fall outside the scope of Applicants' claimed invention. Furthermore, since the novelty of Gutweiler is the inclusion of PVB in polypropylene compositions, there is no suggestion or motivation to modify the Gutweiler compositions to achieve Applicants' claimed fibers.

For at least the reasons given above, Applicants respectfully submit that the teachings of Gutweiler fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe that this case is now in condition for allowance. If the Examiner feels that any issues remain, then Applicants' undersigned attorney would like to discuss the case with the Examiner. The undersigned can be reached at (847) 490-1400.

Respectfully submitted,


Melanie L. Rauch
Registration No. 40,924

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403

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